

1 AN ACT concerning vehicles.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 18c-7401 as follows:

6 (625 ILCS 5/18c-7401) (from Ch. 95 1/2, par. 18c-7401)

7 Sec. 18c-7401. Safety Requirements for Track,  
8 Facilities, and Equipment.

9 (1) General Requirements. Each rail carrier shall,  
10 consistent with rules, orders, and regulations of the Federal  
11 Railroad Administration, construct, maintain, and operate all  
12 of its equipment, track, and other property in this State in  
13 such a manner as to pose no undue risk to its employees or  
14 the person or property of any member of the public.

15 (2) Adoption of Federal Standards. The track safety  
16 standards and accident/incident standards promulgated by the  
17 Federal Railroad Administration shall be safety standards of  
18 the Commission. The Commission may, in addition, adopt by  
19 reference in its regulations other federal railroad safety  
20 standards, whether contained in federal statutes or in  
21 regulations adopted pursuant to such statutes.

22 (3) Railroad Crossings. No public road, highway, or  
23 street shall hereafter be constructed across the track of any  
24 rail carrier at grade, nor shall the track of any rail  
25 carrier be constructed across a public road, highway or  
26 street at grade, without having first secured the permission  
27 of the Commission; provided, that this Section shall not  
28 apply to the replacement of lawfully existing roads, highways  
29 and tracks. The Commission shall have the right to refuse  
30 its permission or to grant it upon such terms and conditions  
31 as it may prescribe. The Commission shall have power to

1 determine and prescribe the manner, including the particular  
2 point of crossing, and the terms of installation, operation,  
3 maintenance, use and protection of each such crossing.

4 The Commission shall also have power, after a hearing, to  
5 require major alteration of or to abolish any crossing,  
6 heretofore or hereafter established, when in its opinion, the  
7 public safety requires such alteration or abolition, and,  
8 except in cities, villages and incorporated towns of  
9 1,000,000 or more inhabitants, to vacate and close that part  
10 of the highway on such crossing altered or abolished and  
11 cause barricades to be erected across such highway in such  
12 manner as to prevent the use of such crossing as a highway,  
13 when, in the opinion of the Commission, the public  
14 convenience served by the crossing in question is not such as  
15 to justify the further retention thereof; or to require a  
16 separation of grades, at such crossings; or to require a  
17 separation of grades at any proposed crossing where a  
18 proposed public highway may cross the tracks of any rail  
19 carrier or carriers; and to prescribe, after a hearing of the  
20 parties, the terms upon which such separations shall be made  
21 and the proportion in which the expense of the alteration or  
22 abolition of such crossings or the separation of such grades,  
23 having regard to the benefits, if any, accruing to the rail  
24 carrier or any party in interest, shall be divided between  
25 the rail carrier or carriers affected, or between such  
26 carrier or carriers and the State, county, municipality or  
27 other public authority in interest. However, a public  
28 hearing by the Commission to abolish a crossing shall not be  
29 required when the public highway authority in interest  
30 vacates the highway. In such instance the rail carrier,  
31 following notification to the Commission and the highway  
32 authority, shall remove any grade crossing warning devices  
33 and the grade crossing surface.

34 The Commission shall also have power by its order to

1 require the reconstruction, minor alteration, minor  
2 relocation or improvement of any crossing (including the  
3 necessary highway approaches thereto) of any railroad across  
4 any highway or public road, whether such crossing be at grade  
5 or by overhead structure or by subway, whenever the  
6 Commission finds after a hearing or without a hearing as  
7 otherwise provided in this paragraph that such  
8 reconstruction, alteration, relocation or improvement is  
9 necessary to preserve or promote the safety or convenience of  
10 the public or of the employees or passengers of such rail  
11 carrier or carriers. By its original order or supplemental  
12 orders in such case, the Commission may direct such  
13 reconstruction, alteration, relocation, or improvement to be  
14 made in such manner and upon such terms and conditions as may  
15 be reasonable and necessary and may apportion the cost of  
16 such reconstruction, alteration, relocation or improvement  
17 and the subsequent maintenance thereof, having regard to the  
18 benefits, if any, accruing to the railroad or any party in  
19 interest, between the rail carrier or carriers and public  
20 utilities affected, or between such carrier or carriers and  
21 public utilities and the State, county, municipality or other  
22 public authority in interest. The cost to be so apportioned  
23 shall include the cost of changes or alterations in the  
24 equipment of public utilities affected as well as the cost of  
25 the relocation, diversion or establishment of any public  
26 highway, made necessary by such reconstruction, alteration,  
27 relocation or improvement of said crossing. A hearing shall  
28 not be required in those instances when the Commission enters  
29 an order confirming a written stipulation in which the  
30 Commission, the public highway authority in interest, the  
31 rail carrier or carriers affected, and in instances involving  
32 the use of the Grade Crossing Protection Fund, the Illinois  
33 Department of Transportation, agree on the reconstruction,  
34 alteration, relocation, or improvement and the subsequent

1 maintenance thereof and the division of costs of such changes  
2 of any grade crossing (including the necessary highway  
3 approaches thereto) of any railroad across any highway.

4 Every rail carrier operating in the State of Illinois  
5 shall construct and maintain every highway crossing over its  
6 tracks within the State so that the roadway at the  
7 intersection shall be as flush with the rails as  
8 superelevated curves will allow, and, unless otherwise  
9 ordered by the Commission, shall construct and maintain the  
10 approaches thereto at a grade of not more than 5% within the  
11 right of way for a distance of not less the 6 feet on each  
12 side of the centerline of such tracks; provided, that the  
13 grades at the approaches may be maintained in excess of 5%  
14 only when authorized by the Commission.

15 Every rail carrier operating within this State shall  
16 remove from its right of way at all grade crossings within  
17 the State, such brush, shrubbery, and trees as is reasonably  
18 practical for a distance of not less than 500 feet in either  
19 direction from each grade crossing. The Commission shall have  
20 power, upon its own motion, or upon complaint, and after  
21 having made proper investigation, to require the installation  
22 of adequate and appropriate luminous reflective warning  
23 signs, luminous flashing signals, crossing gates illuminated  
24 at night, or other protective devices in order to promote and  
25 safeguard the health and safety of the public. Luminous  
26 flashing signal or crossing gate devices installed at grade  
27 crossings, which have been approved by the Commission, shall  
28 be deemed adequate and appropriate. The Commission shall have  
29 authority to determine the number, type, and location of such  
30 signs, signals, gates, or other protective devices which,  
31 however, shall conform as near as may be with generally  
32 recognized national standards, and the Commission shall have  
33 authority to prescribe the division of the cost of the  
34 installation and subsequent maintenance of such signs,

1 signals, gates, or other protective devices between the rail  
2 carrier or carriers, the public highway authority in  
3 interest, and in instances involving the use of the Grade  
4 Crossing Protection Fund, the Illinois Department of  
5 Transportation.

6 It is the public policy of the State of Illinois to  
7 enhance public safety by establishing safe grade crossings.  
8 The Commission shall, by July 1, 2002, order the installation  
9 of stop signs at all grade crossings that are not equipped  
10 with automatic flashing lights or gates. These installations  
11 shall be adequate and appropriate. The Commission shall  
12 assess the cost of these stop signs to the Grade Crossing  
13 Protection Fund. The highway authority in interest shall  
14 install and maintain the stop signs in accordance with the  
15 Commission order.

16 No railroad may change or modify the warning device  
17 system at a railroad-highway grade crossing, including  
18 warning systems interconnected with highway traffic control  
19 signals, without having first received the approval of the  
20 Commission. The Commission shall have the further power,  
21 upon application, upon its own motion, or upon complaint and  
22 after having made proper investigation, to require the  
23 interconnection of grade crossing warning devices with  
24 traffic control signals at highway intersections located at  
25 or near railroad crossings within the distances described by  
26 the State Manual on Uniform Traffic Control Devices adopted  
27 pursuant to Section 11-301 of this Code. In addition, State  
28 and local authorities may not install, remove, modernize, or  
29 otherwise modify traffic control signals at a highway  
30 intersection that is interconnected or proposed to be  
31 interconnected with grade crossing warning devices when the  
32 change affects the number, type, or location of traffic  
33 control devices on the track approach leg or legs of the  
34 intersection or the timing of the railroad preemption

1 sequence of operation until the Commission has approved the  
2 installation, removal, modernization, or modification.  
3 Commission approval shall be limited to consideration of  
4 issues directly affecting the public safety at the  
5 railroad-highway grade crossing. The electrical circuit  
6 devices, alternate warning devices, and preemption sequences  
7 shall conform as nearly as possible, considering the  
8 particular characteristics of the crossing and intersection  
9 area, to the State manual adopted by the Illinois Department  
10 of Transportation pursuant to Section 11-301 of this Code and  
11 such federal standards as are made applicable by subsection  
12 (2) of this Section. In order to carry out this authority,  
13 the Commission shall have the authority to determine the  
14 number, type, and location of traffic control devices on the  
15 track approach leg or legs of the intersection and the timing  
16 of the railroad preemption sequence of operation. The  
17 Commission shall prescribe the division of costs for  
18 installation and maintenance of all devices required by this  
19 paragraph between the railroad or railroads and the highway  
20 authority in interest and in instances involving the use of  
21 the Grade Crossing Protection Fund or a State highway, the  
22 Illinois Department of Transportation.

23 Any person who unlawfully or maliciously removes, throws  
24 down, damages or defaces any sign, signal, gate or other  
25 protective device, located at or near any public grade  
26 crossing, shall be guilty of a petty offense and fined not  
27 less than \$50 nor more than \$200 for each offense. In  
28 addition to fines levied under the provisions of this Section  
29 a person adjudged guilty hereunder may also be directed to  
30 make restitution for the costs of repair or replacement, or  
31 both, necessitated by his misconduct.

32 It is the public policy of the State of Illinois to  
33 enhance public safety by establishing safe grade crossings.  
34 In order to implement this policy, the Illinois Commerce

1 Commission is directed to conduct public hearings and to  
2 adopt specific criteria by July 1, 1994, that shall be  
3 adhered to by the Illinois Commerce Commission in determining  
4 if a grade crossing should be opened or abolished. The  
5 following factors shall be considered by the Illinois  
6 Commerce Commission in developing the specific criteria for  
7 opening and abolishing grade crossings:

- 8 (a) timetable speed of passenger trains;
- 9 (b) distance to an alternate crossing;
- 10 (c) accident history for the last 5 years;
- 11 (d) number of vehicular traffic and posted speed  
12 limits;
- 13 (e) number of freight trains and their timetable  
14 speeds;
- 15 (f) the type of warning device present at the grade  
16 crossing;
- 17 (g) alignments of the roadway and railroad, and the  
18 angle of intersection of those alignments;
- 19 (h) use of the grade crossing by trucks carrying  
20 hazardous materials, vehicles carrying passengers for  
21 hire, and school buses; and
- 22 (i) use of the grade crossing by emergency  
23 vehicles.

24 The Illinois Commerce Commission, upon petition to open  
25 or abolish a grade crossing, shall enter an order opening or  
26 abolishing the crossing if it meets the specific criteria  
27 adopted by the Commission.

28 Except as otherwise provided in this subsection (3), in  
29 no instance shall a grade crossing be permanently closed  
30 without public hearing first being held and notice of such  
31 hearing being published in an area newspaper of local general  
32 circulation.

33 (4) Freight Trains - Radio Communications. The  
34 Commission shall after hearing and order require that every

1 main line railroad freight train operating on main tracks  
2 outside of yard limits within this State shall be equipped  
3 with a radio communication system. The Commission after  
4 notice and hearing may grant exemptions from the requirements  
5 of this Section as to secondary and branch lines.

6 (5) Railroad Bridges and Trestles - Walkway and  
7 Handrail. In cases in which the Commission finds the same to  
8 be practical and necessary for safety of railroad employees,  
9 bridges and trestles, over and upon which railroad trains are  
10 operated, shall include as a part thereof, a safe and  
11 suitable walkway and handrail on one side only of such bridge  
12 or trestle, and such handrail shall be located at the outer  
13 edge of the walkway and shall provide a clearance of not less  
14 than 8 feet, 6 inches, from the center line of the nearest  
15 track, measured at right angles thereto.

16 (6) Packages Containing Articles for First Aid to  
17 Injured on Trains. All rail carriers shall provide a package  
18 containing the articles prescribed by the Commission, on each  
19 train or engine, for first aid to persons who may be injured  
20 in the course of the operation of such trains.

21 (7) Abandoned Bridges, Crossings, and Other Rail Plant.  
22 The Commission shall have authority, after notice and  
23 hearing, to order:

24 (a) The removal of any abandoned railroad tracks  
25 from roads, streets or other thoroughfares in this State;  
26 and

27 (b) The removal of abandoned overhead railroad  
28 structures crossing highways, waterways, or railroads.

29 The Commission may equitably apportion the cost of such  
30 actions between the rail carrier or carriers, public  
31 utilities, and the State, county, municipality, township,  
32 road district, or other public authority in interest.

33 (8) Railroad-Highway Bridge Clearance. A vertical  
34 clearance of not less than 23 feet above the top of rail

1 shall be provided for all new or reconstructed highway  
2 bridges constructed over a railroad track. The Commission  
3 may permit a lesser clearance if it determines that the 23  
4 foot clearance standard cannot be justified based on  
5 engineering, operational, and economic conditions.

6 (Source: P.A. 89-699, eff. 1-16-97; 90-691, eff. 1-1-99.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.